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Canada. Penal System of Canada, Royal
Commission to investigate the

A SYNOPSIS

of

THE REPORT OF THE

ROYAL COMMISSION

APPOINTED TO INQUIRE INTO AND REPORT UPON

THE PENAL SYSTEM OF CANADA

prepared by

J. John H. ENTH RIDDELL, L.L.D.

(1863-)

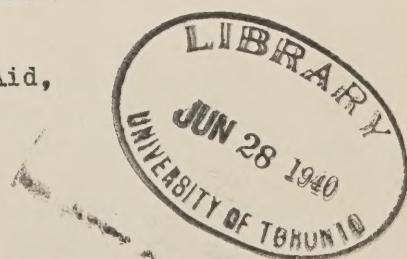
Former President of United College, Winnipeg.

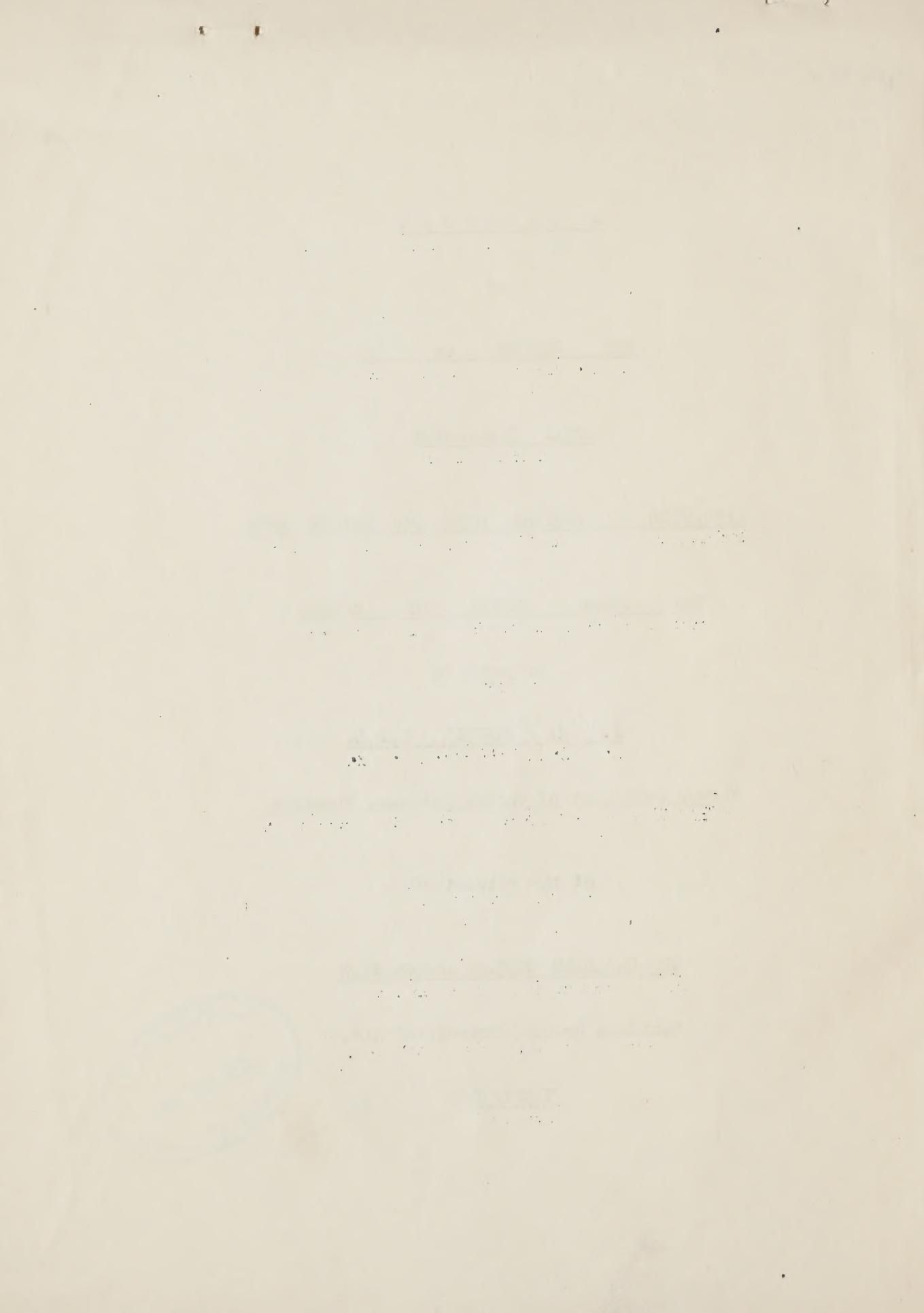
at the request of

THE CANADIAN WELFARE ASSOCIATION

Manitoba Branch, Prisoners' Aid,

WINNIPEG





PRELIMINARY MATTERS

THE APPOINTMENT OF THE COMMISSION

Pages
V & VI

This Commission was constituted and appointed by the Committee of the Privy Council of the Dominion of Canada on the 27th of February, 1936, on the recommendation of the Minister of Justice, dated February 25th, 1936. The Commission at first consisted of Hon. Joseph Archambault as Chairman, R.W. Craig, K.C., and Harry W. Anderson. Before the Commission above named entered upon its duties, Harry W. Anderson died on September 17th, 1936. The Committee of the Privy Council substituted J.C. McRuer, K.C. for that of Harry W. Anderson deceased.

THE TASK AND ITS COMPLETION

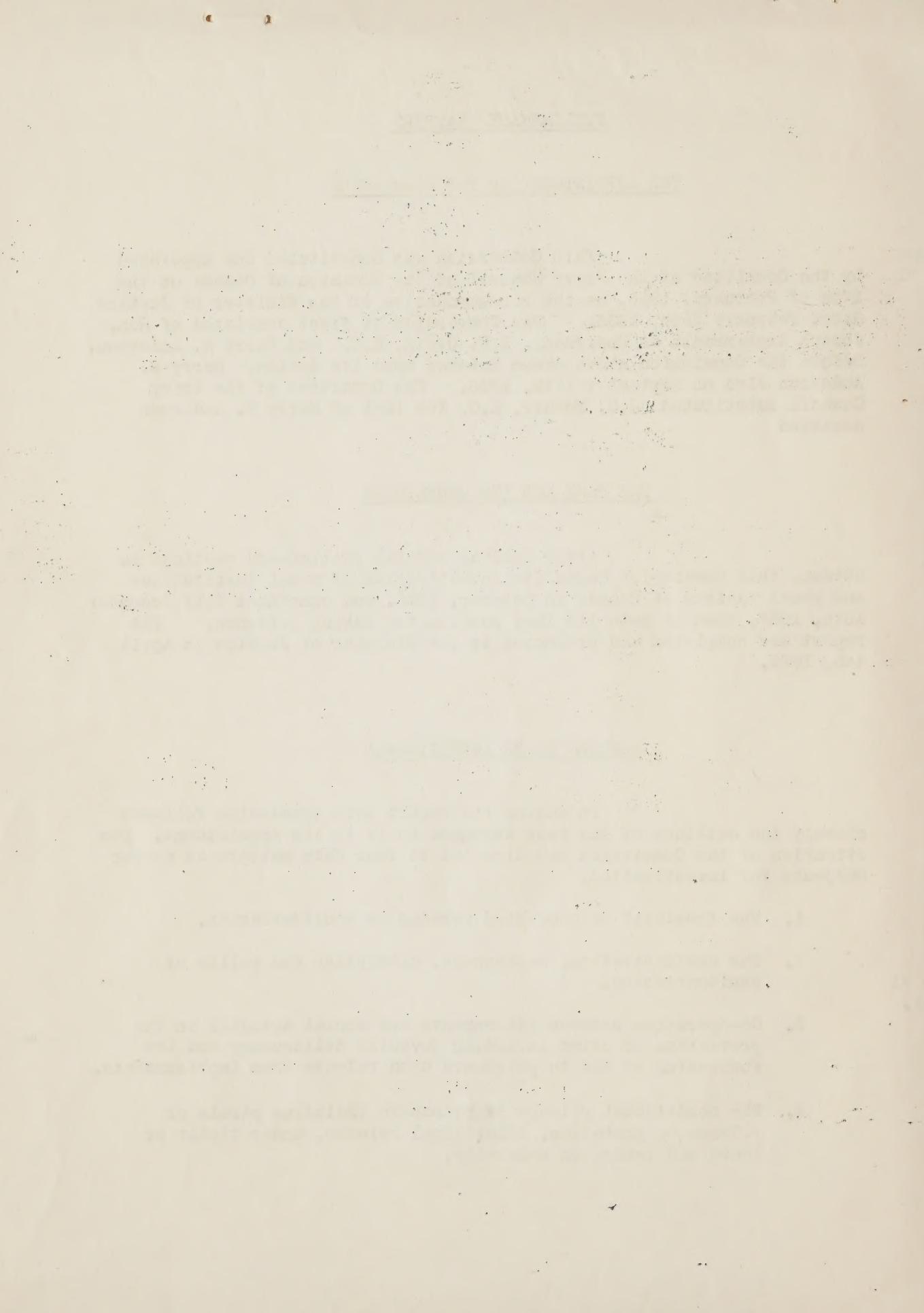
After holding several preliminary meetings in Ottawa, this Commission began its investigation of penal institutions and penal systems of Canada in October, 1936, and continued till December 15th, 1937, when it held its last session for taking evidence. The report was completed and presented to the Minister of Justice on April 4th, 1938.

MATTERS TO BE INVESTIGATED

In making its report this Commission followed closely the outlines of the task assigned to it in its appointment. The attention of the Commission was directed to four main matters as proper subjects for investigation.

1. The treatment of convicted persons in penitentiaries.
2. The administration, management, discipline and policy of penitentiaries.
3. Co-operation between governments and social agencies in the prevention of crime including juvenile delinquency and the furnishing of aid to prisoners upon release from imprisonments.
4. The conditional release of prisoners including parole or release on probation, conditional release, under ticket of leave and remission generally.

I ~ VI
Incl.



These four matters might be briefly stated as follows:- Treatment of convicted persons; Prison Administration; Prevention of Crime; and Systems of Conditional Release.

In No. "1" above, about twelve different matters definitely related to convicted persons were specifically named as proper subjects for investigation by the Commission, such as:- Classification of Offenders; The Construction of Penal Institutions; The Organization of Penal Departments; The Appointment of Staff; The Protection of Society, Remuneration; Reformatory and Rehabilitative Treatment; Employment of Prisoners; Prison Labour; A study of International Standard Minimum Rules; and other subjects cognate to the above; The place of corporal and other types of punishment in a Prison System.

THE MAIN BODY OF THE REPORT IS PRESENTED UNDER
FOUR DISTINCT HEADINGS

- I.- The policy respecting Prisons, Management of Prison and the treatment of Prisoners.
- II.- Prevention of Crime.
- III.- Detailed statement respecting penitentiaries.
- IV.- Recommendations of the Commission.

--- PART I, ---

SCOPE OF INVESTIGATION

It includes:

- I & II (a) A close study of the reports of five former Commissions which studied the Penal System and made recommendations; 1st - 1832, 2nd - 1848, 3rd - 1876, 4th - 1913, 5th - 1920.
- II & III (b) The Canadian Penitentiaries, eight in number, besides the Laval Building in process of construction. These were visited and in the visits every facility was afforded to officers and inmates to make any representations each cared to present; every precaution possible was taken in case of these representations to avoid disturbing publicity and the possibility of influencing any inmate in his

The following table gives the results of the experiments made at the University of Michigan on the effect of the addition of various organic acids on the growth of the mold *Penicillium notatum*.

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representations to the Commission by the presence of officials of the prison.

(c) Private hearings outside the penitentiaries, at which many judges, magistrates, ex-officers, police officers, ex-inmates and others interested in prison problems were given a hearing. These gave valuable information to the Commission.

(d) Public meetings were held, at which, through the Press, societies, churches and social organizations were invited to make representations. Such meetings were held in Charlottetown, Halifax, Saint John, Montreal, Kingston, Ottawa, Toronto, Winnipeg, Regina, Edmonton and Vancouver. These were well attended and a very keen interest manifested in the subjects in hand.

III (e) A study of Penal Institutions under the control and direction of the various Provinces and Municipalities. About 50 such institutions were investigated. The Commission received the ready cooperation of the Ministers of the Provincial Governments, officers of Municipalities and the officials of the institutions concerned with respect to giving the information sought.

III & VI (f) Visits were made to England, Holland, Belgium, Denmark, Germany, Switzerland, France and the United States to study the treatment of prisoners. In England particular attention was given to young offenders and the Borstal System.

PRINCIPLES BEHIND THE INVESTIGATION

VII Here a careful statement is given of the principles involved in criminology and penology. Crime is defined as an action which is antagonistic to the solidarity of the group that the individual considers his own. Legally, crime is a violation of criminal law or of a usage which involves a penal sanction. Penology is a science dealing, first with potential criminals; second, with the treatment of criminals in prison; third, with after-care of those who have been released from prison. Under the heading of "Penology", with which the Commission is primarily concerned, three fundamental principles are set forth growing out of the basal object of all penology, which is to "Protect Society" from anti-social efforts and tendencies.

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1. Prevent crimes.
2. Rehabilitation of the prisoner, so as to make him both social and self-supporting.
3. To debar habitual criminals from the opportunity to commit crime and to prevent them from contributing to the making of criminals by their contacts with young offenders.

On pages 8 and 9, a statement is given on the methods of preventing crime and of preventing the repetition of crime.

PENAL INSTITUTIONS

(a) Under the Federal Government:

(b) Under the various Provinces and Municipalities.

Under "a" there are seven Institutions, most of them old, having been erected fifty or more years ago.

XII to XVI	Name	Capacity	Staff	Pop.	Acres of Land	Enclosure
	Dorchester	476	107	421	1200	15
	St. Vincent de Paul	1100	210	1011	779	12
	Kingston	805	180	857	376	13
	" Women	100	6	40		6
	Collins Bay	260	7	184	881	28
	Manitoba	464	100	377	1100	24
	Saskatchewan	618	105	466	1827	25
	British Columbia	466	100	390	133	10
		4289	905	3736	6294	133
						Total

(b) To this is added a concise statement of jails, prisons and reformatories under Provincial or Municipal control in the different provinces, commending some for the adequate provision made for reforming and restoring offenders, and suggesting that many of these institutions now used as prisons for convicted persons be disused for this purpose and utilized as places of detention for those awaiting trial or serving very short sentences.

(c) General characteristics of Penitentiaries:

- (i) Walls are everywhere employed. The Commission suggests the disuse of these in the cases of the more reformable class.
- (ii) Cells are everywhere in use. The Commission recommends against dormitories, and suggests improved type of cells providing good light and ventilation.
- (iii) Punishment cells are little different from others, the punishment consisting in stated deprivations.

The food was found to be excellent--in a few cases deteriorated by poor preparation. Discipline of inmates is uniform and rather severe. Courts that deal with prison offences in the prisons are not in general satisfactory, as they do not conform to established court procedure. Classification is unscientific and without practical effect. Education is neither satisfactory nor in accordance with regulations. Work is on the whole insufficient. Opportunities for exercise inadequate, especially on Sunday and holidays. Little recreational and entertainment opportunities provided. Writing and visiting privileges too restricted and visiting cages are humiliating relics of the past.

Personal sanitation inadequate. Medical care varies with the institution--some places good, some bad. Personnel of Penitentiaries is not a properly trained body of men; 95% of Guards have no training in penology. Attendance at worship obligatory; Chaplains vary in ability and in interest in the prisoner, with consequently varying results.

The accounting system is good, but too complicated.

Discharge clothes are badly fitted and so, often prove a handicap to the released man.

PENITENTIARY BRANCH

The Penitentiary Branch of the Dominion Government is considered under such headings as:

XXV
to
XXXI

(a) Policies:- including outline of powers of Minister of Justice Statement of duties of Superintendent and Inspectors, sec. 3, paragraphs 14, 15, 20, 21 of Penitentiary Act.

- (i) Central authority, in which the Commission deplores the effort to give too detailed instructions and direction to Wardens and Officers. Duties of Wardens set forth sec. 24.
- (ii) Control of expenditures, which is unnecessarily restrictive, demanding excessive correspondence. Several instances are given of needless and worrying interference.
- (iii) The wide use of circular letters as a method of direction and management; 858 were issued in five years, many of which were concerned with most unimportant details.

XXXII

(b) Inspection of Penitentiaries:- Provision is made for this by authorizing the appointment of three Inspectors. The report reveals a very inadequate effort on the part of Inspectors to discharge their duties.

XXXIII

(c) Dismissal of Officers:- Here much dissatisfaction was expressed to the Commission by those who had been summarily dismissed. Many were dismissed without either notice or cause being given. Here the Superintendent in charge when report was made is subject to very detailed criticism.

XLIII

(d) Accounting Policies:- Many suggestions were offered towards greater simplicity and more accurate and effective checking.

(e) Staff:- This consists of the Superintendent and Inspectors. The methods, attitude and capacities of all four are severely criticised. It is surely administration at long range through a bewildering series of despatched regulations

DISCIPLINE IN THE PRISONS

LIV

The matter dealt with here shows that the purpose of prison discipline is, and what the principles behind it are. A long and tedious list of rules is given, wearisome in its detail. Here the Commission discusses the effort of the management in the direction of realizing in the purpose of prison discipline and shows

how futile were the processes adopted. The whole method was too militaristic and conducted on the base of written instruction, which was too extensive and too meticulous to be of any value. A helpful contrast is drawn between English directions and those in use in Canada. This subject is further considered under the headings:

LX (a) Corporal punishment is very controversial subject, abolished in United States, France, Belgium and most of European countries; in England used in few instances and under well guarded regulations. Commission recommends retention but sphere of application to be limited.

LXI (b) Trial for prison offences severly criticised. Recommends five precautions, involving enlarged Court and the right of appeal.

LXIV (c) Segregation.

LXV (d) Other rules and regulations stated at length on page 73.

PRISON PATHOLOGY

Gives:

LXIX (a) A brief history of the various riots and disturbances in the penitentiaries of Canada. These were all too frequent, too serious and too widespread. There were 20 of these in 11 years: two men were killed and damage to property to the extent of \$123,350.00. The feeling is that these in a large measure might have been avoided by a more tactful and human approach on the part of the Superintendent and his staff.

LXXIV (b) Deals with the use of fire-arms in penitentiaries, citing the International Standard Minimum Rules, to the effect that officers should never use force or arms against prisoners except in self-defence or attempted escape when other methods failed. Under this heading the cases of Price and Buck were reviewed, indicating that arbitrary and tactless methods were employed by those in charge.

PRISON MANAGEMENT

C The first subject dealt with is classification of prisoners. Prisoners are divided into three distinct classes:- Accidental or occasional criminals, reformable criminals, and habitual or incorrigible criminals. This last class should be completely segregated: This being done, there is some hope of reforming the other two classes. Reformation is the principal purpose of a prison and depends for its success upon:

- (i) administrative authority:
- (ii) individual effort:
- (iii) proper classification.

The first Prison Commission in 1848 specifically recommended a complete classification to prevent the prison becoming a school of vice. The Commission of 1920 recommended that steps be taken to secure effective classification. In dealing with this matter the Superintendent in 1933 proceeded on an entirely erroneous assumption and so failed to secure the end desired. The system adopted in England is strongly commended, using wisely selected titles for each class and giving to the "occasional" class larger opportunity to regain self-control and self-direction in life. Classification must be followed by the use of methods well suited for each class.

CVI

In all this the principle is emphasized that discipline should be preserved by constructive rather than by merely repressive measures. After all, the prisoner is much like other men and cannot achieve any measure of development towards manhood without exercise, social contact with the world through visits, papers, books and the usual stimuli by which ordinary people grow. With this end in view, the Commission called attention to the depressing effect of close confinement, to the need of recreation in various forms, to the value of educational opportunities, to the benefit of good medical service, to the helpfulness of religious services and contacts with other people. In this review, they offer some condemnation of present methods in these particulars, and wisely give helpful suggestions looking to improvement in the treatment of prisoners from these angles.

CVII

CXXII

PRISON EMPLOYMENT

CXXVIII

The Commission freely recognizes its importance in any well-ordered prison life and regrets that the use of the employment of prisoners is so limited in scope and extent. It draws a startling contrast between the four years preceding the present Superintendent's regime, and the four years of his tenure of office. For the four years ending 1932 the total revenue derived from production in the respective penitentiaries was \$738,617; for the four years ending 1936 it fell to \$371,312. A careful comparison is drawn between employment in Canadian Penitentiaries and in similar institutions in Great Britain, Holland, Belgium, Germany and France and the United States. It seems reasonable to conclude that the Commission thinks that much benefit could be secured from this source if the persons managing the institutions understood their function and were sympathetic to using a humanitarian policy. Prison pay has not, either in Canada or Great Britain, been adopted as an approved policy. As managed at present, it is frequently the cause of irritation and discontent, yet it is worthy of a more well-devised effort, and is commended.

CXXXIX

WOMEN PRISONERS

CXLV

It is recommended that the 67 inmates in Kingston be moved to some other place and that the same principles which are effective and desirable in case of men should be applied to women, specially in case of first or young offenders.

INSANE PRISONERS

CXLI

The Commission regards its duty in this matter to be to consider the manner in which insane persons are dealt under the law as it is and to make recommendations in this regard for the future. The Commission gives its approval to the recommendation of the 1913 Commission, that insane prisoners be cared for in provincial institutions established for that purpose. The Commission disapproves of a recommendation that special institutions be erected for the treatment and care of such persons.

DRUG ADDICTS

CLIX

Is concerned with this difficult question of Drug Addicts. Drug Addicts can be and are weaned from use of drugs but few, if any, are cured, because the will to be cured is broken and to an extent destroyed. The Commission comments favorably on the representations made by the Attorney-General of Manitoba in this matter quoting extensively from this representation made by the Attorney-General in his brief to the Commission, and advocates segregation in institutions where the evils of their influences will not be so destructive. The drug addict constitutes a most difficult problem.

INTERNATIONAL STANDARDS MINIMUM RULES

CLXII

In the order of reference to the Commission, these Rules receive special mention. They are a set of Rules relating to the treatment of prisoners, adopted by the League of Nations after wide reference to Nations and close discussion as to the Rules themselves and the comment on them by the Nations to whom reference was made and then submitted to the countries concerned for incorporation into their programmes for the treatment of criminals. The Commission says that some of these rules were recognized in the Canadian System; some were not. In

many cases more improved methods were adopted by the Canadian Government. There then follows a brief digest of the Rules, with appropriate comments at significant points.

CRIMINAL LAW AMENDMENTS

CLXVII

The Canadian Bar Association has called attention on several occasions to the desirability of a thorough revision of the Criminal Code. The Commission feels that this is a subject quite beyond the limits of its time, ability or reference, but would respectfully submit a few points in which a careful revision would aid in administering the law and in the wise handling of prisoners.

CLXVII

(a) Vagrancy:- Suggest that consideration be given to the adoption of the provisions of the Vagrancy Act of England, 1935.

CLXVII

(b) Time for payment of fines:- Here the Commission recommends that the time for payment of fines be extended to admit of acquiring the ability to pay the fines and of an investigation of inability to pay. It regards imprisonment for inability to pay fines as practically equivalent to imprisonment for poverty.

CLXVIII

(c) Sale of offensive weapons:- Here the possession of offensive weapons should be drastically restricted and placed under the direct supervision of the Government.

CLXIX

(d) Appeals in criminal cases:- Here efforts should be made to facilitate the possibility of appeal, especially in the matter of the transcription of evidence.

CLXIX

(e) Public defenders:- The Commission appears to think that some provision is made for this, and suggests that the Crown Prosecutor must not be divested of his duty to the accused as well as to the State.

CLXIX

(f) Anomalies of punishment:- The commission would appear to favor greater discretion in the matter of the degree of punishment being left in the hands of the Judges.

CLXX

(g) Finger Prints and Photographs:- These are valuable aids for the detection of criminals, but in case of those acquitted by the Court, the Judge should have the power to order the destruction of all such means of identification.

CLXXI

(h) Whipping:- Varieties of instruments were found in some Gaols which departed from the standard. A standard instrument should be authorized and provided.

CLXXI

(i) Place of Execution, where the death sentence is to be imposed:- The Commission recommends that it be carried out at one central place.

---- PART II ----

PREVENTION OF CRIME

Police Services

Criminal law exists to provide order in the community by providing sanctions for the breaches of such rules as Parliament has authorized. Law itself can be effective only through a vigilant intelligent trained Police Force. The effectiveness of the Police Force is in a measure reflected in the number of violations of the criminal law that remain unpunished. In 1936 in 161 cities and towns of 4,000 population or over, representing a population of 4,432,750, there were 5,435 policemen, or one to every 816. In that year 402,643 offences were reported to the police, 123,140 arrests made and 216,617 were summoned. There were 340,617 prosecutions and 287,610 convictions. Goods to the value of \$2,077,212 were reported as stolen and 43% recovered. The Commission notes three things as essential to an effective Police Force:-

- (i) To be free from political control;
- (ii) To be subject to a proper system of training;
- (iii) Extension and improvement of criminal statistics.

The increase in convictions for indictable offences per 100,000 of the population rose from 109 in 1901 to 307 in 1935. After making allowance for the extension of the areas covered by criminal law in that period, this record would indicate that the administration of criminal law has not been performing its full function in deterring crime. This is further accentuated by the fact that juvenile offenders have been eliminated from this category since 1922.

STATISTICAL INFORMATION

The Commission recommends a close co-operation between prison officials and the Bureau of Statistics to secure reliable and thorough figures in the matter of crime. This is the first step to an intelligent process of prevention.

CLXXIII

CLXXIV



JUVENILE DELINQUENCY

The effort to prevent crime must begin, if successful, first with the boys and girls. While recognizing that there is no simple panacea for the prevention of crime, and while recognizing that heredity may play a part in the problem, the Commission frankly says that if society will devote its best efforts to correcting the factors which influence towards crime and to removing pernicious influences from young children and adolescents, it will destroy incipient criminality before it has gained resistant strength and will thus succeed in limiting crime at its source, with a consequent saving in money and in humanity. This is a very significant statement and places the responsibility squarely on the shoulders of society. It is supported by a pertinent quotation from Sheldon Glueck's recent publication on preventing crime, which institutes a comparison with fire prevention. If the child eventually becomes an inmate of a penitentiary, it will cost \$744.60 to keep him there one year, while preventive work costs less than \$10.00 a year. The Commission places much of the responsibility for juvenile crime on:- (a) defective discipline, (b) vicious homes, (c) defective family relationships, and (d) poverty. The report deals with each of these on Page 177 and the following pages.

JUVENILE COURTS, FAMILY COURTS and TRAINING SCHOOLS

These are organizations erected by society to deal with the juvenile who has taken his first steps from the normal way of living, and have as their purpose the prevention and elimination of crime. A brief history is given of the progress made in the world in the treatment of juvenile offenders. Ontario lead the way in Canada with an Act in 1894. After various attempts in Manitoba and elsewhere, the Federal Government in 1908 passed the "Juvenile Delinquents Act, 1908", amended in 1929, under the authority of which the various Provinces operate courts dealing with juvenile delinquency. In this "Juvenile Delinquents Act of 1929" a child is defined as a person apparently or actually under 16 years of age, but it gives the Governor-General in Council power to make the age 18 in the Province so requesting. The Commission thinks that the age of 16 should be maintained, especially if a class known as "young offenders" be recognized, and claims that wider uniformity should be recognized in methods of handling the juvenile offender and in reports. It recommends that a competent psychiatrist and probation officers of the finest quality be employed. It considered the suggestion that the Juvenile Court drop all the characteristics of a Court of Law and become completely a clinic for juvenile errancy and family disturbances, as far as related to juvenile delinquency. The Commission, while favoring the removal of certain formal features and methods of

CLXXV

CLXXXII

CLXXXIII

CXC

Court procedure and while suggesting simplicity in form and directness in contact, would strongly recommend that such forms and such conduct of a Court be preserved as will impress the parents and the children with the dignity, seriousness and importance of the whole procedure. A clear and simple statement is given of five principles on which "The Juvenile Delinquent Act" is based, and also a statement of the underlying principles applicable to the trial of all such cases.

CLXXXV
CLXXXVII

CORPORAL PUNISHMENT FOR JUVENILES

In the matter of corporal punishment for juveniles, the Commission endorses the conclusions reached by the Report of the Departmental Committee on the treatment of young offenders in England. These conclusions deprecate any indiscriminate use of whipping but claim there are cases where whipping is the most salutary method. Such forms of punishment should be preceded by a medical examination and administered in the presence of the parents. It sees no reason for the restriction of corporal punishment to certain offences nor to certain ages. The report urges the employment of psychiatrists, and lays great stress upon the necessity of the probation officers being persons of ability, training and character.

CXC

FAMILY COURTS

These Courts cover the wide range of matters in which children are concerned. The tendency has been to put the jurisdiction pertaining to such matters in the hands of the Juvenile Court Judges, but this has been for a time halted by a decision of the Ontario Court of Appeal which held that a Magistrate or Juvenile Court Judge has not jurisdiction in such matters. The Supreme Court of Canada to whom this matter was referred declared 1938 that the Magistrate and Juvenile Court Judge has jurisdiction. The Commission is of the opinion that the principle underlying the establishment of the Family Court is sound and that it is advantageous to have domestic matters dealt with in such a Court.

CXC

TRAINING SCHOOLS

This subject is treated under the following subjects:

History, Location and Assistance:- A brief history of efforts at training is given. They should be located in country, and should have a Citizen Advisory Committee. Should remove any stigma by having the right

CXCII

kind of name. Home life should be encouraged and a degree of freedom allowed. The report comments on the experiment being tried in Edmonton, Alberta, where carefully selected supervised homes are being used as training centres. This merits close consideration as it gets away from the institutional treatment.

YOUNG OFFENDERS

CXCIII This is a proposed new classification in Canada and includes offenders ranging from 16 to 21, with the possibility of including those 23 or under. Here again, prevention is an important consideration. Much thought has been given in Great Britain and Canada to the establishment of centres of social activities and the encouragement of physical training. In Canada under "The Agricultural Assistance Act 1937", the sum of \$1,000,000.00 was designated for purposes similar to these.

BORSTAL METHOD

CCVIII The Commission gives a careful review of the "Borstal System" in Great Britain, and similar systems in Holland, Belgium and United States, devoting pages 196-210 to a consideration of the Borstal Method. The report comments favorably on the "Borstal Association" assisted by a voluntary committee which provides for the after-care for two years of the released boy, and recommends in Canada the immediate establishment of Borstal Units of three grades, each grade located some distance from the other -- one in Ontario, one in Quebec, and one in the Maritimes, one in the Prairies and one in British Columbia in which Province a specific and real beginning has been made by the setting up of one Unit in a large dwelling on a farm of 33 acres near New Westminster. In Canada there are 7,000 persons between the ages of 16 and 23 in the prisons. Some attempts have been made to institute the Borstal System in association with some penitentiaries in Canada. The Commission regards these attempts as not a fitting application of the Borstal System.

RECIDIVISM

These fall into three classes:-

CCXI (a) Inebriates, Vagrants and Beggars:- Really not a criminal class but often appearing in the Courts.

Commission commends the system employed in Holland and Belgium, of sending these people for two or three years to a well ordered farm with workshops, and so help them to build up self-control and acquire habits of industry.

(b)

YOUTHFUL RECIDIVISTS

From this class there is recruited a large percentage of the habitual criminals which create such a problem in the administration of criminal law. The following figures show the growth of crime in Canada among males from 16 to 20 years of age, according to the Dominion Bureau of Statistics. The tables given indicate that crime among youths has been increasing at an alarming rate in Canada while decreasing in England and Wales.

CCXIII

In 1891 - 257 in every 100,000 of the ages 16 - 20.

CCXII

In 1935 - 1083 in every 100,000 of the ages 16 - 20.

(c)

CONFIRMED RECIDIVISTS

Figures relative to recidivism in Confirmed Recidivists are as follows:

	<u>1891</u>	<u>1935</u>
Charges	6030	39,506
Per 100,000 of pop.	125	361
Convictions	3974	33,531
Per 100,000 of pop.	82	307
First Time	3532	23,844
Per 100,000 of pop.	73	218
Second Time	235	3,163
Per 100,000 of pop.	5	29
Third Time or more	207	6,524
Per 100,000 of pop.	4	60

CCXIII

The number of Recidivists per 1,000 of the convicted population has increased from 111 in 1891 to 361 in 1936.

COMPARISON WITH ENGLAND

CCXIV

These figures are startling in themselves, but much more so when compared with similar figures in England and Wales, where with a population of 40 millions in 1935 the number convicted for indictable offences was 47,424, in Canada 33,531 with a population of 11 millions. While unable to definitely determine or dogmatically assign the causes of recidivism, the Commission is disposed to trace the causes to the treatment of prisoners in Prison and to the difficulty of their rehabilitation on release.

STUDY OF 188 CASES

CCXV

The study of 188 cases out of 3,250 prisoners confined in prisons on January 1st, 1938, these 188 had been convicted more than ten times, some sixty, furnishing an average of nineteen convictions per individual; 32% of these were convicted before 16 years of

THE VILLAGE OF
THE HABITATION OF man

is the place where man dwells,
where he has his home,
where he has his habitation.
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THE HABITATION OF man

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age; 47% before they were 18, and 77% before they were 23; 17% were Drug Addicts; 88% had no education above the common school, while only 1/4 of 1% had an education beyond the High School. The estimated cost of conviction and maintenance of these 188 is as follows:- Convictions-\$3,258,960, per prisoner \$18,005.00, per conviction \$948.00; maintenance in reformatories and jails- \$1,463.41 each, in Penitentiaries \$5,984.40, The total cost per prisoner - \$25,453.24.

Recidivism is traced to five principal causes:

- CCXVII
1. Absence in Canada of adult probation system.
 2. Contamination of young offenders,
 3. Failure to emphasize the importances of reformatory treatment,
 4. Lack of training in staff,
 5. Antagonistic attitude of society to the released prisoner.

THE HABITUAL OFFENDERS

This includes the class in whose cases there is little hope or prospect of reformation. They are the "Ins and Outs" of criminal society.

CCXVIII After citing what course of action is taken with such offenders in Great Britain, in certain countries of Europe and in United States of America, the Commission recommends that legislation be enacted looking to the complete segregation of such in a special prison remote from other penal institutions, with the possibility of indefinite deprivation of liberty.

CONDITIONAL RELEASE

This is considered under the headings of:

(a) Adult Probation

CCXXV Probation is the release of offenders who have been brought before the Court under the supervision of an officer of that Court. A brief history of probation is given. No legislation has been passed in Canada, either Federal or Provincial, providing for such probation. Attempts have been made in the County of York and the cities of Toronto, Hamilton and Ottawa. These attempts receive clear commendation. Courts have power of suspended sentence but not erection of adult probation.

CCXXVIII

(b) Remission

CCXXXI Remission is treated under the heading "Statutory remission and Remission by Royal Prerogative," Provision is made in the Penitentiary Act and in the Prisons and Reformatories Act, by which a prisoner may shorten his period of imprisonment by good conduct. The administration of these Acts has been complicated and made annoying and vexatious by Regulation 171 of the Superintendent of Penitentiaries. Much complaint was offered the Commission on the question of Remission in case of consecutive sentences. Remission by Royal Prerogative deals with the power of the Governor-General in Council to change a sentence, to remit

forms of sentence and to shorten a sentence. This is now dealt with through The Remissions Branch of the Department of Justice. The Commission recommends that the whole subject of Remission should be dealt with by one Authority under the Prison Commission recommended in the report.

(c) Ticket of Leave

CCXXXVI
Governor-General in Council may grant to any prisoner under sentences in penal institutions a license to be at large during such portion of his term of imprisonment and under such conditions as the Governor-General in Council may see fit. The administration of this is in the hands of the Remission Branch, which is restricted in its operation by a number of clearly specified rules. The Commission offers some criticism of some of these rules and their working. The present system has been the subject of severe criticism particularly by the Chief Constables' Association of Canada.

The Commission represents a schedule of the visits made by the Remission Branch to different penal institutions, showing the number of visits, the cases dealt with and the days employed. All this indicates a hopelessly inadequate supervision and consideration.

(d) Indeterminate Sentence and Parole

CCXLIII
This is a provision in the matter of sentence applicable only to Ontario. The working of the system has not met with the approval of the Court of Appeal of Ontario and the Commission sees the possibility of great difficulty arising from conflict between the action of Judges and the action of the Board of Paroles. The Commission thinks that if the organization suggested for Adult Probation, Ticket of Leave and Parole were adopted for the Dominion, the provisions of the Act in Ontario in relation to this matter might be repealed.

REHABILITATION ON RELEASE

CCXLIX
Some definite assistance must be given to prisoners on release by citizens and by the Government, if any essential good is to be accomplished for prisoners. Voluntary organizations composed of citizens in the Principal Cities of Canada are working to aid prisoners on release to recover normal ways of living. Theoretically both Governments and prison management are sympathetic with these voluntary forms of assistance but the practical help afforded is often sporadic and listless. Some prison managements assume an indifferent attitude to the efforts of such groups. In England much has been accomplished by the enlisting of all

these public interests in restoring the prisoner released from confinement.

One of the most important factors in promoting recidivism is the failure to provide the prisoner on release with adequate assistance to enable him to obtain honest work.

CCLVII

Between 1932 - 1936, 72% of the prison inmates were Recidivists. The Commission makes some recommendation looking towards aid to the work of Prisoners' Aid Associations.

PAY, RELEASE, CLOTHING, ETC.

CCLVIII

The Commission comments constructively on Prisoners' pay, clothing provided on discharge, visits and communications, recommending in the matter of the last mentioned much more freedom and suggesting the installation of metal detectors as a means of preventing visitors from bringing to prisoners concealed weapons.

References are made to the organizations operating in England in regard to:-

- (a) The after-care of convicts,
- (b) The after-treatment of prisoners.

They suggest that some central organization be provided in Canada similar to the Central Association for the aid of discharged convicts, and that Government assistance be given to such associations.

- 1 -

--- PART III ---

This section contains a review of the individual prisons in Canada under the headings; Buildings and Grounds; General Discipline; Wardens; Deputy Warden; Industries; Farms; Recreation; Young Offenders; Kitchen and Stewards; Hospital; Doctor and Medical Services; Chapel; Chaplains and Religious Service; Education including school, library and reading matter.

--- PART IV ---

CCCXXXIX Deals with recommendations re new methods of managing the Prisons of the Dominion:

Centralized Control

1. The Canadian penal system should be centralized under the control of the Government of Canada, the provinces retaining only a sufficient number of persons to provide for offenders against provincial statutes and prisoners on remand.

2. An immediate conference between the federal and provincial authorities should be held with a view to obtaining co-operation in putting the recommendations of the Commission into effect.

Reorganization of Administration

3. There should be a complete reorganization of the headquarters administration of Canadian penitentiaries.

4. A Prison Commission, composed of three members.

5. Wardens should be reinvested with the authority of executive management of the penitentiaries.

6. A planned reconstruction of the personnel of the penitentiary staffs throughout Canada.

7. There should be co-operation with the universities of Canada in establishing suitable courses for the training of officers.

8. A training school for penitentiary officers.

9. An outstanding prison authority from England should be invited to come to Canada to counsel and advise the Prison Commission on the

After all the work
and what I do
I am not afraid
of anything.

It's been a long time since I've had a good night's sleep.

I'm glad I'm not alone.

reorganization of the prison system.

10. After careful study of the penitentiary staffs all hopelessly incapable officers should be retired.

11. Vacancies in the penitentiary service should be selected on a merit basis only.

12. The pay of officers should be brought up to a reasonable standard.

13. Rules respecting the dismissal of officers similar to those in force in England should be adopted in Canada.

14. A thorough and complete revision of the penitentiary rules and regulations.

15. An official Board of Visitors should be appointed in connection with each penitentiary.

Classification

16. A complete revision of the methods of classification of prisoners should be made.

17. Legislation should be enacted to provide for sentencing habitual offenders to preventive detention in a separate institution to be provided.

18. Incorrigible and intractable prisoners should be segregated in one institution.

19. Separate institutions, based on the principles of the English Borstal system, should be established.

20. All insane prisoners should be treated in hospitals for the insane.

21. The mentally deficient should be segregated under the direction of a trained psychiatrist.

22. Intractable and recidivist drug addicts should be removed to the prison for habitual offenders.

23. A scheme of classification should be established in each prison.

24. A grades and merit system for reformable prisoners should be established.

Prison Discipline

25. Prison offences should be tried before a prison court and there should be a right of appeal to the Board of Visitors.

26. Corporal punishment should be abolished except for the offences of

assaulting an officer, mutiny, and incitement to mutiny.

27. The several recommendations contained in chapter V of this report, in regard to prison discipline should be made effective.

28. Concessions should not be granted to prisoners because of riotous and mutinous behaviour.

Use of Firearms.

29. "Officials should never use their firearms nor force against a prisoner except in self-defence, or in cases of attempted escape when this cannot be prevented in any other way. The use of force should always be restricted to what is necessary."

30. Officers should be thoroughly trained in the use of firearms.

31. The reckless use, or wilful misuse, of firearms or any unnecessary force, should be dealt with in respect to prison officers in the same manner as the commission or any other crime.

32. Gun cages in the shops and chapels should be abolished from all institutions except those for incorrigible or habitual offenders.

Recreation

33. Provision should be made for more outdoor physical exercise.

34. Conversation periods in cells should be abolished and provision should be made for conversation during recreation and exercise periods.

35. Visiting and writing privileges should be extended.

36. Provision should be made in proper cases for the distribution of a weekly newspaper in each penitentiary.

Education

37. A complete reorganization of the educational system should be made.

Medical Service

38. The medical service should be reorganized.

39. Provision should be made for psychiatric services.

Religious Services

40. Chaplains should be selected with a special regard to individual adaptability for prison service.

41. Chaplains should be permitted greater freedom in meeting the prisoners.

Prison Employment

42. A complete reorganization of prison industries should be made.

43. A thorough survey should be made to discover the requirements of the various government departments and institutions that can be supplied by properly equipped prison industries.

44. The prison work shops should be equipped with the necessary machinery for efficient production and employment of a maximum number of prisoners at productive labour.

45. Trade instructors should be relieved of all custodial duties in order that they may devote their entire time to their instructional duties. Only such trade instructors should be engaged as are equipped by training and experience to teach trades.

46. No goods produced in the prison shops should be sold in the open market in competition with private enterprise.

47. A complete reorganization of the prison farms should be made.

48. A thorough survey of each farm should be made.

49. Farm instructors should be agricultural college graduates.

50. Canning factories should be established at one or more penitentiaries to supply the requirements of the penitentiaries and other government institutions.

51. Dairy herds should be established.

52. All vegetables required in the penitentiary service should be produced on the penitentiary farms.

53. It should be permissible to supply surplus production to government institutions, and sell the balance in the open market.

Prison Pay

54. Pay for prisoners now provided in Canadian penitentiaries should form the basis of further experiments.

Women Prisoners

55. Arrangements should be made with the provincial authorities for the confinement of women prisoners.

International Standard Minimum Rules

56. Canadian prisons should conform in all respects to the standards of the International Standard Minimum Rules.

Amendments to the Criminal Code

57. A complete revision of the Criminal Code should be undertaken at once.

58. Necessary amendments to the Criminal Code should be made to give effect to the recommendations contained in this report.

59. Amendments should also be made to provide for:

- (a) Revision of the definition of "vagrancy";
- (b) To allow time for the payment of fines;
- (c) Further restriction of the sale of offensive weapons;
- (d) Application for leave to appeal to the Court of Appeal 'in forma Pauperis' in criminal cases;
- (e) Giving power to trial judges to order photographs and finger prints destroyed in cases where the accused is found not guilty;
- (f) A uniform instrument to be used in carrying out sentence of the court for whipping;
- (g) A central place of execution in each province.

Prevention of Crime

60. The appointment and discharge of police officers and the administration of police departments should be entirely removed from the suspicion of political influence.

61. A definite system of training police officers should be adopted.

62. The interest of the public should be enlisted in an organized manner, having regard to the vital importance of the prevention of crime.

63. The responsibility of the state for the financial support of community clubs, boys' and girls' clubs, and leisure time programs should be recognized.

Statistical Information

64. The Prison Commission, in co-operation with the Dominion Bureau of Statistics, should plan a complete revision of the method of preparing statistical information.

65. Provision should be made for uniformity of statistical information.

66. Criminal statistics should be extended to show the number of indictable offences reported, as well as the number of charges laid and the number of convictions.

Juvenile and Family Courts

67. The juvenile courts should be reorganized and the Juvenile Delinquents Act be amended in conformity with the policies expressed in chapter XVI of this report.

68. An auxiliary committee of citizens should be organized in connection with each training school for juvenile delinquents to assist in the rehabilitation of the boys and girls who leave such institutions.

69. The principle of family courts, on the lines suggested in chapter XVI of this report, should be adopted.

Adult Probation

70. A probation system, should be adopted throughout Canada, both for adults and young offenders.

71. Probation officers recruited from the ranks of trained social service workers should be appointed.

72. Reports to the presiding judge or magistrate before the accused is sentenced and case histories of convicted prisoners should be made available.

73. Probation officers should be given supervision of prisoners who are released on ticket-of-leave.

74. The pay and duties of probation officers should be the subject of an agreement between the provincial and federal authorities.

Reports to Sentencing Judges

75. Judges and magistrates should cause reports to be made after conviction and before sentence.

76. All judges and magistrates required to try criminal cases should make periodic visits to the prisons to which they sentence prisoners.

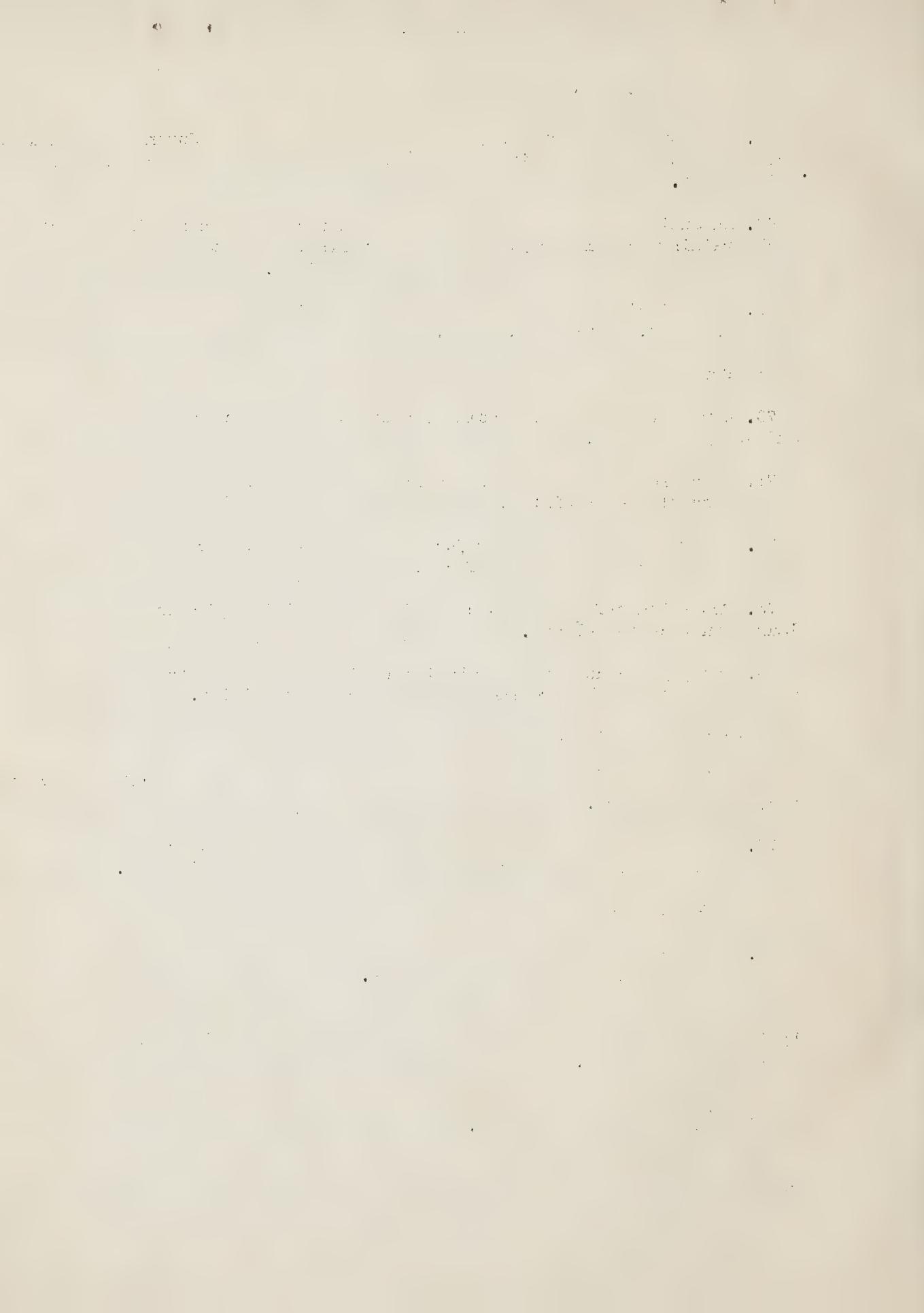
Ticket-of-Leave and Parole

77. The Ticket-of-Leave Act should be amended to give effect to the recommendations contained in this report.

78. The Remission Branch should be abolished, and the services now performed by it should be transferred to the Prison Commission, which will act as a central parole board.

79. A parole officer should be appointed by the Prison Commission in each province or group of provinces.

80. The administration of the Ticket-of-leave Act should be definitely and completely removed from any suggestion of political interference.



81. There should be a definite rule that a prisoner who has already violated the conditions of a previous ticket-of-leave should not be permitted further benefit from the Act.
 82. When provision is made for a more efficient system of adult probation in Ontario and the administration of the Ticket-of-Leave as herein recommended, the provisions of the Reformatories Act providing for indeterminate sentences and parole in Ontario should be repealed.
- Remission
83. The rules governing remission of sentence for good conduct should be simplified.
- Rehabilitation
84. The efforts of the prisoners' aid societies should be co-ordinated with a measure of financial assistance from the state.
 85. A definite effort should be made to enlist the co-operation of the public in assisting discharged prisoners to find employment and become re-established.
 86. Associations similar to the Borstal Association in England should be organized to assist in the rehabilitation of youthful offenders.
 87. Experiments should be undertaken in selected Canadian institutions, patterned after the English system of voluntary visitors and under strict supervision.

Penitentiary Conditions

88. The Prison Commission should effect the necessary changes to make the discipline and routine in Canadian penitentiaries conform to the recommendations contained in this report.

also found in the same place, and the author has seen it in the
same locality.

The species is described from a well-preserved specimen, which
was collected in the same locality as the holotype, and is similar
in all respects to the original description, except in the absence of

any trace of the opercular spine, which is described as being present.
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